

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MICHELLE TAYLOR, as Independent
Administrator of the Estate of MONTY
DALE RICHARDS, Deceased,**

Plaintiff,

vs.

Case No. 15-CV-662-DRH-DGW

THE UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM AND ORDER

HERNDON, District Judge:

This matter comes before the Court for case management. On January 6, 2016 the government filed a motion for summary judgment as to Counts I and II of plaintiff's complaint (Doc. 16) with responses due no later than February 8, 2016. Thereafter, the plaintiff filed a motion for extension of time to file her response (Doc. 18), which the Court granted. Plaintiff's response was to be filed no later than March 9, 2016 (Doc. 19). Plaintiff then filed a second motion for extension of time to file her response (Doc. 20), and was given until May 9, 2016 to file her response (Doc. 21). As of this date, no response has been filed.

Although plaintiff filed a Motion to Voluntarily Dismiss Count II of Plaintiff's Complaint and subsequently filed an amended complaint (Doc. 24)¹, the

¹ The Court notes that Plaintiff did not properly seek leave of court pursuant to Fed.R.Civ.P 15(a)(2), prior to filing her amended complaint. Nevertheless, because the substance of the motion as related to Count I remains unchanged, the Court shall permit the Amended Complaint to stand. However, the amended complaint does not moot out the pending motion.


substance of the amended complaint does not moot out the pending motion for summary judgment.

Therefore, Plaintiff has until **June 10, 2016**, in which to file a response to the government's motion for summary judgment. Failure to respond to the motion by June 10, 2016, shall be considered an admission of the merits of the motion pursuant to Local Rule 7.1(c).

IT IS SO ORDERED.

Signed this 2nd day of June, 2016.

Digitally signed
by Judge David
R. Herndon
Date: 2016.06.02
15:52:54 -05'00'

The block contains a digital signature and a court seal. The signature, in blue ink, reads "David R. Herndon" and is written over a circular seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is visible around the top of the seal, and "SOUTHERN DISTRICT OF NEW YORK" is visible around the bottom.

United States District Judge